

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Dust It Up Pit**  
**Range Improvement Project**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0107-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**ENVIRONMENTAL ASSESSMENT REVIEW**

<b>OFFICE/AREA:</b> Miles City Field Office	<b>DOI-BLM-MT-C020-2013-0107-EA</b>
	<b>DATE POSTED:</b> 3/7/2013
<b>NAME:</b> Dust It Up Pit	<b>DATE DUE:</b> 3/10/2013
	<b>FUNDING:</b> 1020
<b>LOCATION:</b> Carter County T. 9S., R 59E., Sec. 06 SW1/4SW1/4SE 1/4	

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Merle Blankenship	RMS	Range

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Bobby Baker	Wildlife Biologist	Wildlife	3/26/13 BJB
CJ Truesdale	Archaeologist	Cultural	CJ 03/18/2013 MT-020-13-144
Reyer Rens	Supervisory RMS	Range/Final	RR 3/28/2013

  
\_\_\_\_\_  
ENVIRONMENTAL COORDINATOR

**4/4/2013**  
DATE



## ENVIRONMENTAL ASSESSMENT

**EA NUMBER:** DOI-BLM-MT-C020-2013-0107-EA      **RIPS#** 016315      **GR#** 2503696

**PROPOSED ACTION/TITLE TYPE:** Dust It Up Pit (016315)

**LOCATION OF PROPOSED ACTION:** Carter County T. 9S., R 59E., Sec. 06  
SW1/4SW1/4SE 1/4

**PREPARING OFFICE:** Miles City Field Office

**APPLICANT:** Bureau of Land Management  
S&L Sheep Ranch INC., permittee, Dust It Up Pit (#016315)

**DATE OF PREPARATION:** 2013/03/05

**CONFORMANCE WITH APPLICABLE LAND USE PLAN:** The proposed actions are in conformance with the Powder River RMP Record of Decision approved in 1985, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...”. Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota and South Dakota ROD states “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing”.

**BACKGROUND:** The Dust It Up Pit is a previously undocumented pit for livestock watering purposes. The pit will need to be redredged before it can be used as a viable water source, because currently the pit is silted in. The surrounding area is heavy in bentonite clay so the water holding ability of the pit is expected to be acceptable.

**PURPOSE AND NEED:** The purpose and need for the following water source project is to provide a reliable water source that does not presently exist. Because of the soil types and topography of the area that the project is proposed in the water holding capabilities of the proposed pit are acceptable; the majority of the failures are due to the structures being silted in or spillway washing out. Pits are a viable watering source that are possible or feasible throughout this area.

**PROPOSED ACTION:** Authorize the current allotment permittee to be able to redredge the existing pit site, to make it a viable working pit for livestock watering purposes. The cost of the redredging as well as the maintenance and upkeep on the Dust It Up pit will be assigned to the current allotment permittee and will be accounted for on form (4120-8) assignment of range

improvements, and signed for on a BLM cooperative agreement. Construction/dredging activities will not occur from April 15 to July 15 to protect migratory bird nesting activities. The dredging will be completed by the American Coaloid Company, with a completion date of no later than 11/30/2013. The dredging will be completed by an excavator, with the dredged material placed on the front and back of the existing face.

**ALTERNATIVE 1 - NO ACTION:** Do not authorize dredging of the existing pit site.

**AFFECTED ENVIRONMENT:**

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

<b>Mandatory Item</b>	<b>Potentially Impacted</b>	<b>No Impact</b>	<b>Not Present On Site</b>
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality		X	
Cultural or Historical Values			X
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian			X
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species			X
Environmental Justice		X	

*The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment:*

Cultural: Miles City BLM and Montana SHPO Cultural and Paleontological Resource Databases have been reviewed for the trespass pit location. The proposed trespass pit and its proposed reconstruction are within previously inventoried areas where no cultural or paleontological resources have been recorded. The proposed project meets waiver of inventory criteria 8110-1, Section 2.4.

Grazing Administration: This project is within the Willow Creek Allotment, presently owned by S&L Sheep Ranch INC. The south pasture where the pit site is located is on a restricted season of use and livestock numbers.

Livestock Grazing: Historically the permittee ran sheep as well as cattle on the allotment. The

Willow Creek allotment contains 8,042 public lands acres for a total of 1,635 AUMs. The pit would have typically been emplaced to provide more water holding facilities on the allotment and lessened the grazing pressure off of other established watering facilities. The grazing permit was renewed in 2009.

Soils: Soils in this area have developed in residuum and alluvium derived from the Cretaceous Pierre Shale which consists of black to gray shale with thin strata of claystone, siltstone and bentonite. As a result, soil surface and subsurface textures are commonly clay, silty clay loam, and clay loam.

Vegetation: The public lands within the allotment were assessed in 1996 using the double sampling method and were found in good range condition. The allotment was meeting Standards for Rangeland Health (43 CFR 4180).

Wildlife: This area provides habitat for game species including mule deer, pronghorn, and sage grouse. Mule deer winter range exists within this area. This allotment is also part of a much larger polygon delineated as Preliminary Priority Habitat for sage grouse as identified by WO-IM-043 (2012). The closest sage grouse leks are located approximately 5 miles to the southeast and southwest, although sage grouse use of this allotment has been documented. A variety of non-game species would also be expected to utilize this area, including raptors, songbirds, and other migratory birds. This area does not provide habitat for T&E species.

## **ENVIRONMENTAL IMPACTS:**

### **DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:**

Cultural: No impact to cultural or paleontological resources through proposed action.

Grazing Administration: Upon completion of the proposed projects, the involved resources will maintain the desired condition that presently exists or will improve the areas of concern mentioned above. The proposed action should have an impact on rangeland health due to better utilization of the pasture.

Livestock Grazing: The allotment's grazing patterns could be altered because of the new water source being developed. More evenly distributed grazing could be the result, after completion of the pit.

Soils: Soil erosion from wind and water could occur during and shortly after project construction. Possible compaction of adjacent soils could occur due to equipment operation. Once construction is completed and vegetation is reestablished, erosion and compaction should return to natural conditions.

Vegetation: Upon completion of the proposed project, the involved resources will should return

and maintain the desired condition that presently exists or will improve the area mentioned above. A more uniform grazing system may result from the addition of the proposed pit and maintain the good to better rating for Rangeland Health on the current allotment.

Wildlife: The location of the existing pit is adjacent to a main haul road for bentonite mining. Hauling activities reduce habitat suitability for the majority of native wildlife species intolerant to disturbance. However, some wildlife species would still be expected to utilize the area, such as some species of songbirds that are tolerant to disturbances (horned larks, etc.) Occasional use by big game may also occur. Wildlife using the area will be temporarily displaced as a result of the activity associated with dredging of the pit. Timing restrictions for project activities will only be applied for migratory bird nesting. Because of the existing disturbance, winter range timing will not be applied. The potential for harboring mosquitoes that carry West Nile Virus (WNV) remains for a longer timeframe with this alternative as compared to the no action alternative.

### **DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:**

Cultural: There would be no impact through the No Action alternative.

Livestock Grazing: No changes will occur in current permitted use or grazing patterns. Grazing will be more intense in the areas surrounding the present watering sources, without the addition of the pit. If existing water sources fail, and are not replaced, grazing patterns will shift to the remaining sources and more concentrated pressure in those areas will occur.

Vegetation: The present species will not be altered. Existing information indicates that the allotment is meeting the Standards for Rangeland Health (43 CFR 4180), and the no action alternative should have no effect on existing vegetation.

Wildlife: Under the no action alternative, more vegetation will be available for wildlife species in the area because livestock utilization will be greater adjacent to the existing limited water sources. However, under this alternative, additional water would also not be available for wildlife use in the area. Over time and as the pit completely silts in and becomes revegetated, the potential for this pit to harbor WNV diminishes.

### **CUMULATIVE IMPACTS**

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997. Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

### **CONSULTATION/COORDINATION:**

**S&L Sheep Ranch INC. – permittee**

**LIST OF PREPARERS:**

Merle Blankenship- RMS

CJ Truesdale-Archeologist

Bobby Baker – Wildlife Biologist

Reyer Rens – Supervisory Rangeland Management Specialist

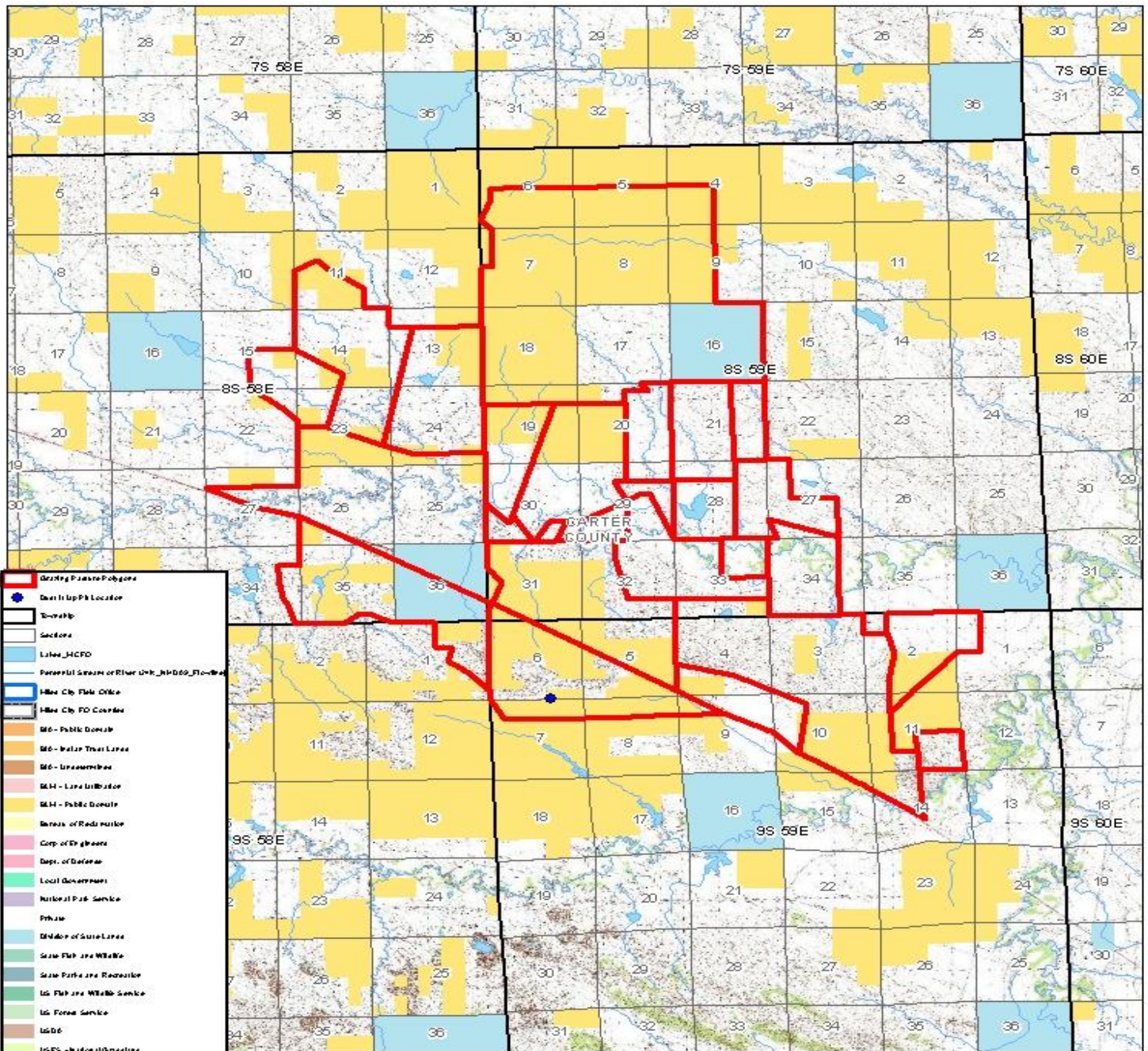
Kathleen Bockness – Environmental Coordinator





# Dust It Up Pit

2013/03/15

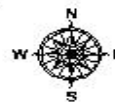


- Dust It Up Pit Location
  - Township
  - Section
  - Water
  - Public Domain
  - Private
  - State Park and Wildlife
  - State Forest and Wildlife Service
  - US Forest Service
  - USGS
  - USGS - National Wetlands Inventory
  - Unincorporated
  - Water
- Map to TOPO/24k\_Only\_48\_8 to 11
- RGB
- Red: State\_1
  - Green: State\_2
  - Blue: State\_3

Projected Coordinate System: NAD 1983 Albers  
Geographic Coordinate System: GCS North American 1983  
Datum: D North American 1983

1:100,000

0 0.3 0.6 1.2 1.8 2.4 Miles



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE

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**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
FINDING OF NO SIGNIFICANT IMPACT**

**Dust It Up Pit  
DOI-BLM-MT-C020-2013-0-EA**

**BACKGROUND**

The origin of the environmental assessment was to assess the impact of redredging an existing dysfunctional pit. The Dust It Up Pit site is a dysfunctional pit emplaced by an unknown party at an unknown time. It is currently being looked at as a possible viable pit, to use for livestock watering purposes. The pit will need to be redredged before it can be used as a viable water source, because the previous pit is silted in. The surrounding area is heavy in bentonite clay so the water holding ability of the pit is expected to be acceptable.

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0107-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Powder River Resource Management Plan, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota Record of Decision approved in 1997.
- (2) The Proposed Action is in conformance with the Record of Decision for the Powder River Resource Management Plan, as amended; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

**Context**

The proposed action would occur in the Willow Creek Allotment No. 10419, designated as available for livestock grazing in the Powder River RMP, as amended. The RMP, as amended, anticipated that rangeland improvements, such as water development, fencing, etc., would occur to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing. The proposed action is in accordance with the Powder River RMP.

Under the Proposed Action: The current allotment permittee would be able to redredge the existing trespass pit, to make it a viable working pit for livestock watering purposes. The cost of the redredging as well as the maintenance and upkeep on the Dust It Up pit will belong to the current allotment permittee and will be accounted for on form (4120-8) assignment of range improvements, and signed for on a BLM cooperative agreement.

**Intensity**

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

**1. Impacts that may be both beneficial and adverse.** The EA considered both potential beneficial and adverse effects (See EA Table 1, page 3). None of the effects are beyond the range of effects analyzed in the Powder River Resource Management Plan, as amended, to which the EA is tiered.

**2. The degree to which the proposed action affects public health and safety.** No aspect of the proposed action would have an effect on public health and safety.

**3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no historic or cultural resource sites that would be affected by the proposed action. There are no parks, prime farmlands, or wild and scenic rivers in the planning area. MT-020-13-144.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects of the actions planned under the Proposed Action or alternatives are similar to many other rangeland improvement projects implemented within the scope of the Powder River RMP, as amended. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in EISs to which this EA is tiered. Rangeland Improvements have been pursued and accomplished for many years in the various vegetation types of the RMP.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP, as amended. Additionally, rangeland improvements within grazing allotments are expected activities within the RMP.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Powder River RMP, as amended.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.** The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources MT-020-13-144.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** This proposed action does not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The proposed action does not threaten to violate any Federal, State, or local law.



4/5/2013

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Todd D. Yeager  
Field Manager  
Miles City Field Office

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Date

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
RECORD OF DECISION**

**DOI-BLM-MT-C020-2013-0107**

**DECISION**

It is my decision to select the Proposed Action Alternative as described in the Dust It Up Pit Project EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in rangeland improvement activities, including the maintenance on public lands within the Willow Creek Allotment No. 10419. All maintenance identified in the EA will be implemented. The selected alternative is in conformance with the Powder River Resource Management Plan, as amended.

**ALTERNATIVES**

In addition to the selected alternative, the EA considered the no action alternative. This alternative considered no dredging of the existing pit, but would not reduce the current grazing pressure on existing watering facilities located within the allotment.

**RATIONALE FOR SELECTION**

The purpose of the action is to create a viable water source for livestock grazing in a manner that will allow the allotment to continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action and would provide a viable water source. The No Action Alternative would carry out no management actions thus not meeting the purpose and need of providing a viable water source. Thus livestock grazing would occur in such a manner that would allow the allotment to continue to meet the Standards for Rangeland Health.

**CONSULTATION AND COORDINATION**

The permittee of the Willow Creek Allotment No. 10419 was consulted. The Dust It Up Pit EA was made available online via the Miles City Field Office NEPA log.

**IMPLEMENTATION**

Once the Dust It Up Pit EA, FONSI, and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperator. Once this Cooperative Range Improvement Agreement is approved by the Authorized Officer, this gives the Cooperator authorization to proceed with the project.

**ADMINISTRATIVE REVIEW OPPORTUNITIES**

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf).

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd Yeager, Field Office Manager  
Bureau of Land Management, Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301



The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.



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Field Manager, Miles City Field Office

4/5/2013

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Date